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FISCAL IMPACT STATEMENT

LS 7042

BILL NUMBER: SB 291

NOTE PREPARED: Jan 29, 2010

BILL AMENDED: Jan 28, 2010

SUBJECT: Sex or Violent Offender Tracking Program.

FIRST AUTHOR: Sen. Steele

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: **GENERAL**
 X DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill creates the Public Safety Technology Fund to purchase, operate, and maintain a qualified sex or violent offender tracking program. It establishes a monthly \$1 probation technology fee to fund the Public Safety Technology Fund, and requires the Attorney General to administer the fund in consultation with the Indiana sheriffs.

Effective Date: July 1, 2010.

Explanation of State Expenditures: This bill creates the Public Safety Technology Fund and will increase the workload of the Attorney General, Auditor of State, and the Treasurer of State to administer the fund, process payments from county treasurers for the fund, and invest money in the fund, respectively. Expenses of administering the fund are to be paid for by money in the fund. Increases in workload are expected to be minimal.

Explanation of State Revenues: (Revised) *Summary-* The bill (1) requires a court to order individuals convicted of felonies a monthly \$1 probation technology fee for each month an individual is on probation and (2) allows a court to order individuals convicted of misdemeanors to pay a \$1 probation technology fee, to either the probation department or clerk. This funding is to be deposited into the Public Safety Technology Fund, also established by the bill. Money in the Fund is nonreverting. Estimated additional fee revenue from both felonies and misdemeanors is a maximum of \$791,000 per year.

Background Information-

Felony Revenue: Between 2006 and 2008, an average of 54,000 felony offenders were on probation per year. Under the bill, these offenders on probation will be required to pay a \$1-per-month probation technology fee for every month they are on probation. This provision is expected to increase state revenue by \$648,000 per year.

Misdemeanor Revenue: The maximum expected revenue collected from 143,000 disposed misdemeanor cases is \$143,000. According to the Division of State Court Administration, during 2008, there were approximately 187,000 disposed misdemeanor cases at the state and local level. In 2008, approximately 23.6% of the cases disposed were by failure to appear, failure to pay, or dismissal and would therefore not be subject to conviction fees. Additionally, approximately 13.2% of the cases disposed in 2008 were by bench disposal, jury trial, or bench trial, of which some individuals may have been found not guilty and not subject to conviction fees. The percent of individuals who are found innocent by bench disposal, jury trial, or bench trial are unknown, but are likely a very small proportion. Using this information, it was estimated that approximately 143,000 misdemeanor disposals would be subject to conviction fees and, subsequently, the \$1 probation technology fee.

Under the requirements of the bill, because courts are *allowed* to charge individuals convicted of misdemeanor offenses with the \$1 probation technology fee, revenue collected from misdemeanor convictions may be less than the number of misdemeanor convictions in the state. The maximum expected revenue collected from 143,000 disposed misdemeanor cases is \$143,000.

Explanation of Local Expenditures: Under the bill, there would be additional revenue that would be forwarded by the county treasurer (or other local fiscal officer) to the Auditor of State for deposit into the Public Safety Technology Fund. Increases in workload will result, but are expected to be minimal.

Explanation of Local Revenues:

State Agencies Affected: Attorney General; Auditor of State; Treasurer of State.

Local Agencies Affected: Local courts.

Information Sources: *Indiana Judicial Year in Review Report.*

Fiscal Analyst: Bill Brumbach, 232-9559.